

Notice of Allowability

Application No.

09/978,395

Applicant(s)

ARGENTON ET AL.

Examiner

Rutao Wu

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed August 10, 2006.
2. ☒ The allowed claim(s) is/are 1-11, 14 and 15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-11, 14-15 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Pat No. 6,282,653 to Berstis et al and U.S. Pat No. 6,230,204 to Fleming III.

Berstis et al disclose a method of determining royalty for use of copyrighted digital materials on the internet by first establishing a count of a number of permitted copies of the digital file and then decrement the count every time the file has been transferred until count reaches zero. Then royalty is calculated.

Fleming III disclose a method of determined the total usage of computer resources by users.

As per claims 1 and 14, the closest prior art of record taken either together or in combination with each other fails to teach or suggest the specific method of attributing cost to a group of entities based on the number of accesses of a certain product for each entity of the group of entities. Specifically no prior art teaches:

“obtaining, for each of the entities, a maximum value relating to a maximum number of accesses of the entity in all the time windows over the time interval resulting in a group of maximum values for the plurality of entities;

finding a smallest maximum value among the group of maximum values for all the entities;

distributing costs for the smallest maximum value among all the entities having access to the product in the time interval;

finding a next-higher maximum value among the group of maximum values;

determining a difference in costs for the smallest maximum value and the next-higher maximum value from the predetermined relationship;

distributing the difference in costs among the entities having an equivalent or a higher maximum value than the next-higher maximum value;

repeatedly finding a further next-higher maximum value among the group of maximum values and distributing a determined difference in costs for the further next-higher maximum value among the entities having an equivalent or a higher maximum value;

accumulating the costs obtained in the steps of distributing for each of the entities individually to obtain an accumulated cost result; and

outputting the portion of the total costs for each of the entities based on the accumulated cost result for each of the entities."

Claims 2-10 depends upon claim 1 and has all the limitations of claim 1 and is allowable for the same reason.

As per claims 11 and 15, the closest prior art of record taken either together or in combination with each other fails to teach or suggest the specific method of attributing cost to a group of entities based on the number of accesses of a certain product for each entity of the group of entities. Specifically no prior art teaches:

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“obtaining, for each of the entities, a maximum value relating to a maximum number of accesses of the entity in all the time windows over the time interval resulting in a group of maximum values;

finding a highest maximum value among the group of maximum values for all the entities;

finding a nest-lowest maximum value among the group of maximum values;

determining a difference in cost for the highest maximum value and the next-lower maximum value from the predetermined relationship;

distributing the difference in costs among the entities having the highest maximum value;

repeatedly finding another next-lower maximum value among the group of maximum values and distributing a determined difference for the next-lower maximum value among the entities having an equivalent or a higher maximum value; and

accumulating the costs obtained in the steps of distributing for each of the individual entities to obtain an accumulated cost result and outputting the portion of the total costs for each of the entities based on the accumulated cost result for each of the entities.”

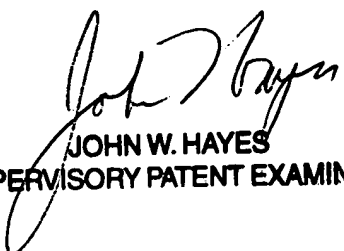
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER